

Appn. Number 10/720,811 (Tu et al.) GAU 3762 Amnt. A contd. 7 of 8

REMARKS - General

Applicants have canceled claims 1-5 and 8-12 from further consideration; have amended claims 6-7, 13-14, 17-18, and 20; and have added new claims 21-30.

In the changes made to the claims by the current amendment, ~~deletions are shown by strikethrough~~, and additions are underlined.

Discussion of Claim Rejection – 35 USC §112

Claim 5 has been deleted.

Claims 17-19 have been amended to depend on an amended independent method claim 13, which is allowable.

Discussion of Claims Rejections - 35 USC §103

Regarding claims 1-6, 8-12, 14, and 16-20, as being unpatentable over US 4,737,140 to Lee et al. in view of US 5,376,263 to Fischel, applicants have withdrawn claims 1-5, 8-12, from further consideration and amended claims 6, 14, 17-18 and 20 to overcome claims rejection of obviousness. As cited, both Lee and Fischel disclose prior art **centrifuge means** of blood separation. The amended independent claims 6, 7, and 13 all recite a unique “orbital” membrane separation mechanism, which is unobvious to Lee, Fischel or combination thereof.

Claim 1 has been deleted. Other pending claims 13-20 and new claims 21-30 are all dependent on any of amended independent claims 6, 7, and 13.

Claim 6 has been amended to include the limitations of “.....**wherein the means for separating a plasma constituent from the blood comprises a blood filtration apparatus characterized by an orbital motion with filter membrane means**” as an independent claim, which applicants consider allowable and request re-consideration of claim rejection.

Appn. Number 10/720,811 (Tu et al.) GAU 3762 Amnt. A contd. 8 of 8

Discussion of New Claims

New claims 21-30 are added as dependent claims directly or indirectly depending to the amended independent claim 6 or 7, which applicants submit for consideration.


Discussion of Allowable Subject Matter

Claims 7 and 13 have been amended and rewritten in independent form including all of the limitations of the base claim and any intervening claims to be allowable.

Conclusion and Conditional Request For Constructive Assistance

For all of the above reasons, applicants submit that claims are now in proper form, and that the claims all define patentably over the prior art. Therefore they submit that this application is now in condition for allowance, which action they respectfully solicit. If, for any reason, this application is not believed to be in full condition for allowance, applicants respectfully request the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. § 706.03(d) and § 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,


Hosheng Tu, Ph.D. applicant

5-2-2005
Date